

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DWIGHT W. DECKER,</b>	:	<b>CIVIL ACTION NO. 1:17-CV-945</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>NANCY A. BERRYHILL,<sup>1</sup></b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 31st day of August, 2018, upon consideration of the report (Doc. 18) of Magistrate Judge Karoline Mehalchick, recommending that the court grant the appeal (Doc. 1) of Dwight W. Decker (“Decker”) from the decision of the administrative law judge denying Decker’s application for a period of disability and disability insurance benefits, and remand this matter for further proceedings in accordance with sentence four of 42 U.S.C. § 405(g), wherein Judge Mehalchick opines that the administrative law judge’s decision is not “supported by substantial evidence,” 42 U.S.C. § 405(g), and the court noting the Commissioner of Social Security (“Commissioner”) objected to the report, (Doc. 19); see FED. R. CIV. P. 72(b)(2), and Decker filed a response (Doc. 20) thereto, and following *de novo* review of the contested portions of the report, see *Behar v. Pa. Dep’t of Transp.*, 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing *Sample v. Diecks*, 885 F.2d 1099, 1106

---

<sup>1</sup> Due to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 *et seq.*, former acting Commissioner of Social Security Nancy A. Berryhill is currently presiding as the Deputy Commissioner for Operations of the Social Security Administration. For consistency purposes, however, we continue to refer to Ms. Berryhill as “the Commissioner.”

n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Mehalchick that the decision of the administrative law judge is not “supported by substantial evidence,” 42 U.S.C. § 405(g); Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Mehalchick’s analysis to be thorough, well-reasoned, and fully supported by the record, and further finding the Commissioner’s objection to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 18) of Magistrate Judge Mehalchick is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of Decker and against the Commissioner as set forth in the following paragraph.
3. The Commissioner’s decision is VACATED and this matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately in accordance with this order and the report (Doc. 18) of Magistrate Judge Mehalchick.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania